

## LOOK INTO CAPITOL SCANDALS

### De Bolt Asks Grand Jury to Eschew Politics.

Judge De Bolt yesterday morning charged the grand jury to investigate thoroughly the alleged embezzlements and defalcations in the Capitol department, calling attention also to the so-called irregularities in the audit office. His charge was dignified and sensible and went directly to the point. He instructed the grand jury to leave politics out of their work entirely, and attend strictly to business.

Ex-Judge Humphreys appearing for Jas. H. Boyd who is charged with embezzlement, made a technical challenge to the grand jury array but his motion was promptly overruled by the presiding judge. This was followed up by an attack upon the court sitting alone, and by an interruption in the charge to the grand jury which if Humphreys had been on the bench would have called down severe punishment upon the head of the attorney thus interfering. Humphreys' challenge was also taken advantage of by George Davis, who said he made objections on the same grounds in behalf of E. H. Wright, Boyd's chief clerk.

#### JURORS EXCUSED.

Prior to the charge to the grand jury Judge De Bolt excused the following who had been drawn to serve upon the panel: Sereno E. Bishop, E. S. Cunha, Geo. H. Holt, H. G. Fon, Pexelito and C. D. Chase. He felt he could not understand English well enough to serve.

#### THE CHARGE.

Judge De Bolt differed from his predecessor in office not only in insisting that politics should be eschewed but also in other particulars. His charge was in full as follows:

In the Circuit Court of the First Judicial Circuit, Territory of Hawaii, November, 1902, Term.

**CHARGE OF THE COURT TO THE GRAND JURY.**

Gentlemen of the Grand Jury:—You have been duly summoned, impaneled and sworn as a Grand Jury in and for the First Judicial Circuit, for the November, 1902, term of this court.

Therefore, in pursuance of the Constitution of the United States and of the Act of Congress, organizing the Territory of Hawaii, and under the solemnity of the oath which you have just taken, it now becomes your duty to diligently inquire, and true presentment make, of all such matters and things as shall be given you in charge, or shall otherwise come to your knowledge touching this present service; you shall present no one through envy, hatred, or malice, nor leave any one unpunished through fear, favor, affection, gain, reward or hope, therefore, present all things truly as they come to your knowledge, according to the best of your understanding; and you will keep secret all the proceedings had before you.

Your powers, Gentlemen of the Grand Jury, extend only to questions of crime and wrong doing. Your functions are not executive, but judicial. In fact, you constitute a preliminary tribunal, and you are furnished with inquisitorial powers only for the purpose of examining into crimes, alleged or otherwise, and matters incident thereto, solely with a view leading to the punishment or prevention thereof.

Living, as the people of these Islands now are, under the Constitution of the United States of America, there can be no duty imposed upon a citizen of the Territory of Hawaii of graver or greater importance than that of a grand juror. In your hands and in your keeping the law, for the time being, to a large extent, commits the general welfare, safety, morality and happiness of this community. You shall have no enemies to punish and no friends to reward or favor. The law, which shall be your guide, is no respecter of persons. Before you all persons, regardless of race, position or station in life, previous or present condition, religious or political views, or political affiliations, are absolutely equal. Your position as grand jurors places you above and beyond all questions of political or social conditions which may have heretofore existed or which may now exist in these Islands, which might tend to improperly influence you in the faithful performance of your grave and responsible duties. With the political policies of the country, from a partisan standpoint, the Judiciary, of which you are a part, has absolutely nothing to do. You are responsible to no one except to your conscience under your oath to discharge fearlessly "with malice toward none" and without favor to any, your whole and complete duty, regardless of consequences, or whom it may affect. You should unhesitatingly proceed and act upon the absolutely essential and indispensable principle that no guilty person, high or low, rich or poor, shall escape punishment, and also that no

innocent person shall suffer an injustice at your hands. In the administration of justice there should be no object or purpose considered, or contemplated, by those who may be entrusted with the grave and responsible duties of seeing that crime shall be punished, that the innocent shall suffer no wrong, that the peace, morality, happiness and prosperity of the people shall be secure, except that of a full and complete vindication of the majesty of the law as they may find it. Among the Judges of courts and juries there should be no political considerations or political success or defeat. Duty, under and in accordance with the law of the land as it may be found to exist, should ever be the constant watchword. Thus duty may serve you as a spur and a clear conscience as a shield.

And, while it is true our duty will not permit us to consider or even think of matters from a partisan or personal standpoint, it is equally true that we should at all times and under any and all circumstances look forward with the hope that the people of these Islands may, in unity and harmony constantly advance to a higher and broader plane of citizenship and material prosperity. It is the duty of the Court and of all its officials to earnestly seek to carry on the business of the Court to the end that truth and justice shall at all times prevail; and furthermore, so that we may inspire and merit the confidence of all good citizens. In other words, and in the highest and broadest sense of true citizenship, we should, each and all, be ministers of justice. To all your deliberations and proceedings apply the true test, namely, common sense and common justice, coupled with persistent energy and system.

I also charge you, Gentlemen of the Grand Jury, to place upon all your acts and proceedings the indelible and unmistakable stamp of absolute fearlessness, impartiality, thoroughness, completeness and natural justice, and all well reasoned with plain common sense. With these general observations regarding your duties, Gentlemen of the Grand Jury, I will now proceed to charge you more specifically thereon.

Under the Constitution of the United States, which is the supreme law of the land, no person in the Territory of Hawaii shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger. A capital crime is one punishable with death.

An infamous crime, under the authorities applicable to the conditions in this Territory, is one punishable by imprisonment for a period of time exceeding one year, or such for the commission of which the individual may be deprived of his civil rights.

No person who is not a male citizen of the United States, nor of the Territory of Hawaii, nor a bona fide resident of the First Judicial Circuit and who cannot understandingly speak, read and write the English language shall be a qualified Grand Juror in the First Judicial Circuit.

The number of Grand Jurors in each judicial circuit of this Territory shall be not less than thirteen nor more than twenty-three, and no indictment shall be found, nor shall any presentment be made, without the concurrence of at least twelve Grand Jurors.

The law provides that, from the persons summoned, impaneled and sworn as Grand Jurors, the Court shall appoint a Foreman, and may remove him for cause. The Court may appoint another Foreman when the necessity arises. The Foreman shall preside over the deliberations of the Grand Jury, and it will be his duty to preserve order and decorum, to arrange and systematize the business that may be brought before the Grand Jury. The Court will appoint an officer to attend upon you and to be at your service. You may appoint or elect one of your members to be your clerk, to preserve minutes of the proceedings before you, which minutes shall be delivered to you as directed by you as a Grand Jury. Only such minutes of your proceedings need be kept, however, as will enable you to make your final report to the Court, which report you will present upon the conclusion of your labors. No additional compensation can be allowed to such clerk, there being no statute providing therefor.

Witnesses appearing before the Grand Jury shall be sworn in open Court or by your Foreman, or, in his absence, by any member of the Grand Jury. The oath or affirmation may be substantially as follows:

"You do solemnly swear (or affirm) that the evidence which you shall give before the Grand Jury shall be the truth, the whole truth, and nothing but the truth, and that you will keep secret all matters and things which may come to your knowledge by reason of your appearance or testimony as a witness before this Grand Jury, so help you God."

The Attorney General, or his deputy, or any member of the Grand Jury may interrogate witnesses appearing before you. The Attorney General, or his deputy, shall advise the Grand Jury in regard to the law of the cases that come before you, and draw the indictments, nor his deputy, should give the Grand Jury advice as to the sufficiency of the evidence to authorize the finding of an indictment, nor take part in your deliberations.

Investigations before a Grand Jury must be made in accordance with the well-established rules of evidence. Governing your final action in a matter, you must have the best legal proof of which the case admits. In this respect a Grand Jury is a judicial tribunal. Nevertheless a Grand Jury is not controlled by technical rules of evidence. A Grand Jury should receive, in final conclusion, none but legal evidence.

## REPUBLICANS CLOSE THEIR CAMPAIGN

### Prince Kuhio Is Greeted With Cheers on His Every Appearance.

Never before in the memory of any man connected with political movements here was there such a demonstration of party loyalty as that which closed the campaign of the Republicans last evening. Taking the form of a torch light procession and meeting in Union Square, the closing gathering was one which was filled with enthusiasm and which wrought the thousands of people who thronged the downtown streets to a pitch of party interest never before known.

The parade was one to be remembered. There were in the line more than one thousand men, men representing every trade and more than one of the business houses of the city. There was not only a gathering of the uniformed clubs but as well men of professions and men of business, men from the mill and from the docks, shoulder to shoulder marching for the glorification of their party and for the success of the men who are on its ticket.

And such a turnout as it was. For more than five city blocks did the line extend, this line made light by the glowing torches and the illuminations of red fire. Banners proclaiming faith in the Prince and advice to the doubter were carried aloft, and flags were waved from every side, all to the accompaniment of bands of music and the acclaim of other hundreds on the sidewalks. It was a night of turnouts and the people took advantage of the occasion to show their interest in the election and their hearty belief in the success of the Republican campaign.

When the parade was over and the meeting had been called to order in Union Square there were more than 2000 people facing the chairman of the evening, Senator Clarence Crabbe of the Central Committee. Robert N. Boyd was first called upon and speaking in both the English and Hawaiian languages he aroused the greatest enthusiasm.

When Prince Kuhio followed Col. Parker, who had urged everyone to vote for the young leader, he found the people in humor to applaud him to the echo. He was cheered and cheered again and during the course of an address which was full of argument and history, of advice to vote the straight ticket and adjuration to keep away from the fallacies of Home Rule, there was constant applause from all sides. The applause found its culmination in the hearty three times three with which his address was greeted at its close and when he left the platform there was a rush to grasp his hand by those who could get close enough through the press of the people.

Other addresses were made by C. J. Hutchins, a Democrat who is now supporting the Republican ticket, by Judge Mahaula, W. W. Harris, William Aylett and Lorin Andrews. And when all was over there was such cheering that the entire downtown district rang with the shouting of the men who are on the side of victory.

Many other meetings were held. That at the Kalihl Detention camp was long and well attended, there being all the way such enthusiasm as gave the greatest hope to the leaders.

Prince Kuhio had only the most rosy accounts of his Sunday's trip, which included stops at four ports of Molokai and one of several hours at the Laysan Settlement. There the lepers came out in force to hear him and the landing was decorated with arches.

denence, to the exclusion of mere reports, suspicions, and hearsay evidence; nor should you hear and take into consideration irrelevant or immaterial evidence. Neither should the time of the Grand Jury be unnecessarily consumed in receiving cumulative evidence. If, in the course of your proceedings, any case or matter should come before you in which any individual juror or jurors shall be interested, thus disqualifying him or them, he or they shall not participate in the consideration of such case or matter, but withdraw therefrom.

An official interpreter may be present at the examination of witnesses before the Grand Jury, whenever his services may be required.

Except the Attorney General, or his deputy, the official interpreter, and witnesses under examination, no person shall be permitted to be present during the sessions of the Grand Jury.

No person except the members of the Grand Jury shall be permitted to be present during the expression of your opinions, or the giving of your votes. It would be highly improper for you to discuss among yourselves outside of the Grand Jury room any case or matter which may be pending, or which may or might come before you for consideration. Neither should you permit any person to discuss with you, or any of you, any such case or matter.

The accused has no right to be present before the Grand Jury, either personally or by attorney. Nor, as a mat-



while the people bore kahilis and sang songs in his honor, during his stay. The trip to Lahaina took up such time as to delay their arrival until very late, and even then the people had waited to hear the orators. Altogether there was every reason to believe that the trip will bear the greatest fruit and the various points visited will turn up great majorities for the Prince.

#### REPUBLICANS CLOSE CAMPAIGN.

During the day the last of the meetings which have characterized the Republican campaign were held. The return of Prince Kuhio from his trip to Molokai and Maui gave an impetus to the last day's work and there were demands for him everywhere.

Of the many meetings the largest was that at the quarantine or channel wharf, where some two hundred voters gathered at 1 o'clock. There was a great number of speakers and they all talked of the necessity for the return of a Republican majority, if the people looked for the best results from the work of the legislature, and they all were cheered to the echo, when they voiced the sentiments of loyalty for the party and its workers.

Prince Kuhio was in good voice and presence and he was received with acclaim by the pools. He told them of the work which he had done; of the views he had advanced and of the good which he hoped to be able to accomplish for the people. He was applauded when he told of the failures of Wilcox and the leaders of the Home Ruleers, showing that it was the blunders of Kalaupokalani which led to the outbreak of the revolution when it occurred, caustically referring to the fact that when the Queen had no friends then Kalaupokalani and the others who had ill advised her were absent.

Prince Kuhio was cheered all along the line and his speech was the feature of the meeting and the pools willingly applauded him and all the others on the ticket. At the close of the meeting there was an excellent address by Paul Isenberg who showed that if the Republicans carried the election there would be such good times that the Japanese would have no chance to hold the work on the wharves, but the Hawaiians would be given the preference, and would have control of the ships. He was cheered loudly and the meeting closed with shouts of approval for all the candidates.

ter of right, can witnesses in his behalf be heard by you. The Grand Jury have no power to summon the accused before them.

However, that truth and justice may prevail, and to that end only, if the Grand Jury should have good and sufficient reason to suspect insanity on the part of the accused, or any other exculpatory fact, or that the charge is groundless and the accused innocent, you ought to call for the evidence of it. You will, therefore, strictly observing what the Court has just stated to you upon this point, receive all the evidence presented which may throw light upon the matter under consideration, whether it tends to establish the innocence or guilt of the accused. And furthermore, if in the course of your inquiries in a case, where the evidence already produced fails to satisfy you of the truth sufficiently to warrant a determination, in the consideration of which evidence so produced, you have good and sufficient reason to believe that there is other evidence, not presented to you, within your reach, which would qualify or explain away the charge under investigation, it will be your duty to order such evidence to be produced. It is contrary to common sense and natural justice that an innocent person should be indicted when you have good and sufficient reason to believe that there is other evidence, not presented to you, but within your reach, which would qualify or explain away the charge under investigation. I am aware that this is not the unanimous

view of the Courts and Jurists, but it is common sense and common justice. However, do not lose sight of the fact that your proceedings must be wholly ex parte, and not a trial of the case.

An indictment when found by you shall be indorsed: "A true bill," and such indictment shall also be signed by the Foreman of the Grand Jury. An indictment shall be indorsed also by the Attorney General, or his deputy. A presentment, when made, shall be signed by the Foreman.

Indictments or presentments, when found shall be presented by the Foreman, in the presence of the other Grand Jurors, to the Court. It will also be your duty to make inquiry as to the commission of any indictable crime committed or triable in the First Judicial Circuit which may be submitted to you by the Attorney General, or his deputy, or brought to your attention by private parties, or of your own knowledge or observation, or which may come to your knowledge from the disclosure of your associates.

The Court, however, from a sense of duty, as well as from the grave importance of the matter to the public, particularly calls your attention to the alleged recent official defalcations and embezzlement of certain public funds, or of which were on deposit in the offices of the Territorial Treasurer and the Superintendent of Public Works. Upon this matter, as well as upon all others of like character or alleged wrong doing which may come to your attention, involving the betrayal of the people's trust and confidence, Gentlemen of the Grand Jury, I instruct you to make the most thorough and complete investigation, and let no guilty man escape. In this connection I commend to you the careful and thoughtful reading of Chapters 5, 18 and 46, of the Penal Laws, entitled respectively: "Principals and Accessories," "Embezzlement," and "Accessories" After the Fact.

I also call your attention to certain alleged irregularities claimed to exist in the office of the Auditor of the Territory, and I direct you to carefully, thoroughly and impartially investigate these matters and to take such steps as justice may require.

Regarding other public offices and institutions within this Judicial Circuit, unless, for special reasons brought to your attention, it is not strictly your duty to inquire into their management, there is not appearing at this time any special reason, therefore so far as the Court is advised. Particularly is this true at this time, in view of the fact that other Grand Juries preceding you have made exhaustive investigations into such matters and have duly submitted and filed their reports thereon which are and will remain open to examination and consideration by all persons, including the next Territorial Legislature. Furthermore, owing to the depleted condition of the Territorial Treasury, I urge upon you the absolute necessity and importance at this time of limiting your investigations so far as is possible to actual or alleged crimes; and, even in these matters, while there must be thorough and complete investigations made, I also urge upon you the importance of being prompt, energetic and expeditious in your labors, completing the same with all reasonable dispatch. No member of the Grand Jury can be excused except by the order of the Court. If any Grand Juror is absent at any time, or delinquent, it will be the duty of the Foreman to present the fact to the Court.

Court will convene at 9 o'clock, a. m., and adjourn at 4:30 p. m., with a recess from 12 to 1:30 p. m., on all judicial days, except on Saturdays, when adjournment will be had at 12 m., and these will constitute your hours, except that your morning sessions may begin at 9:30, if you so desire, but not later. I will furnish you with a copy of these instructions for your convenience.

As Foreman of the Grand Jury, the Court appoints Mr. Peter C. Jones and as Bailiff of the Grand Jury the Court appoints Mr. W. S. Ellis.

When you adjourn today it should be until 9:30 a. m., on Wednesday, tomorrow, Tuesday, being a general election day will be observed as a holiday. You may now retire to the Grand Jury room, elect your clerk and proceed with your labors. I will ask the Attorney General to call upon you at once and confer with you regarding any matters he may have to submit.

J. T. DE BOLT,  
First Judge, Circuit Court, First Circuit.  
November 3d, A. D. 1902.

P. C. Jones was appointed as foreman and W. S. Ellis as bailiff. This last appointment was made in the interests of economy. Ellis already being bailiff to Judge De Bolt. The Grand Jury retired to the jury room immediately and organized, adjourning after preparing for Wednesday's labor of investigation.

**HUMPHREYS GETS IN HIS WORK.**

The challenge to the grand jury array made by Ex-Judge Humphreys was based on the ground that the jury had been improperly drawn. He alleged in his motion that the venire was not open venire facias, but was directed to the High Sheriff or his deputy, but was not served by the High Sheriff but by Chillingworth and McJura.

It was further set out that the fifty names from which the grand jury was picked, were drawn by P. D. Kelle, Jr., and that he did not exercise a fair and impartial and personal discretion in making such selection, but that he delegated such selection to George Sea and George Lucas. It is further charged that the names were selected only from Honolulu, and not from the Island of Oahu as a whole, and that the Hawaiian race was discriminated against, the said James H. Boyd being a member of that race. A further objection was that the drawing should have been by Henry Smith, as chief clerk of the Supreme Court.

(Continued on Page 4.)

## VERDICT IN FRIEL TRAGEDY

### Coroner's Juries Lay Fire to Incendiary.

An Inquisition taken at Honolulu, Island of Oahu, on the 30th, 31st days of October, A. D. 1902, and on the 3rd day of November, in the year A. D. 1902, before Charles F. Chillingworth, one of the coroners of said island, upon the bodies of Mrs. E. B. Friel, Mrs. N. G. Jackson and Miss Etta Friel, there lying dead, by the oaths of the jurors whose names are hereto subscribed, who being sworn to inquire, when, how and by what means the said Mrs. E. B. Friel, Mrs. N. G. Jackson and Miss Etta Friel came to their deaths, upon their oaths do say:

That the said Mrs. E. B. Friel, Miss Etta Friel and Mrs. N. G. Jackson came to their deaths at Honolulu, Island of Oahu, Territory of Hawaii, on the 30th day of October, A. D. 1902, from injuries received at a fire at the home of one E. B. Friel, said deceased persons, Mrs. E. B. Friel, Miss Etta Friel and Mrs. N. G. Jackson, then and there being inmates of said premises, said fire having been due to incendiaryism and by some person or persons to this jury unknown.

In witness whereof, the said Coroner, and the Jurors of this inquest, have hereunto set their hands the day and year aforesaid.

CHARLES F. CHILLINGWORTH,  
Coroner.

GERRIT P. WILDER,  
J. S. WALKER,  
O. L. SORENSON,  
GEO. R. EWART, JR.,  
WM. LUCAS,  
H. P. BENSON,  
C. A. MACKINTOSH,  
A. P. TAYLOR.

The juries on the Friel fire and coroner's inquest completed their labors late last night when they returned the verdict above. Nigel Jackson was told of the verdict before midnight. The entire matter will be brought before the present Grand Jury and Nigel Jackson is now held to appear before that body.

A number of witnesses were before the coroner's juries last night, at which time detailed particulars of the alleged attempt to burn the Friel house on Tuesday night were brought out. Several witnesses also testified as to threats which Jackson had made to "burn" and "roast" the Friel family. Mrs. Voeller, whose little girl escaped death in the fire, said that Nigel Jackson had made threats to burn the house and for this reason she wanted her little girl to leave the Friel house, the last request being made on Wednesday evening a few hours before the fire, but Mrs. Jackson, quelled by saying that the threats were only thin air.

## THE HOME RULERS AT KAUMAKAPILI

Home Rulers made one last desperate stand last evening at their wind-up on the site of the old Kaumakapili church. Wilcox was present, and all the lesser lights of the Home Rule party were visible. Some fifteen hundred people, many of them women were present, but the crowd was far from being enthusiastic.

One of the longest speeches of the evening was that of Ng. Mon War, the notorious Chinese, who was given one final opportunity to explain himself. He confined himself chiefly to attacks upon Wm. Mossman and John Baker whom he included in the missionary crowd. The Chinese was frequently interrupted by hisses and groans from his Hawaiian auditors who made slighting remarks regarding his nationality, and told him he lied when he said anything against Mossman or Baker.

"The missionary men is against me," said the Chinese, "because I Chinese, but my boss, he not. We all Americans now. Chinese he like Hawaiian, he both got same color skin, and same kind hair."

"You lie," shouted some one in the audience, while another man angrily retorted: "Hawaiians have not got long tails like you."

Mon War said the reason the Republicans were against him was because the Chinese would all vote for the Home Rule party. He said the reason Mossman left the party was because he was a missionary boy and wanted the Republicans to win, so he ran independently in order to split the vote. He promised also to give the Hawaiians county government immediately and that all would get elected, while if the Republicans were elected, the Hawaiians, Chinese and Japs would all be put in the fire and burned up. He said that Mossman ought to be run out of town, stripped naked, and then tarred and feathered.

D. K. Kalaupokalani, Jr. spoke of all Wilcox had done and would do, while Cayless, Netley, of Hilo embezzlement fame, and others urged a vote for the straight ticket, which they said meant defeat for the missionaries.